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FM AMEMBASSY NAIROBI
TO RUEHGV/USMISSION GENEVA 4557
RUEHC/SECSTATE WASHDC 8453
INFO RUCNIAD/IGAD COLLECTIVE
RUCNRCC/REFUGEE COORDINATOR COLLECTIVE
RUCNSOM/SOMALIA COLLECTIVE
RUEHLO/AMEMBASSY LONDON 3056
RUEHFR/AMEMBASSY PARIS 2954
RUEAHQA/AFAAO WASHINGTON DC
RHMFIUU/CJTF HOA
RUEHNR/KUSLO NAIROBI KE

UNCLAS SECTION 01 OF 02 NAIROBI 000267

SIPDIS

E.O. 12958: N/A

TAGS: [KE](#) [PGOV](#) [PHUM](#) [PREF](#) [PREL](#) [SO](#)

SUBJECT: GOK COMMITS TO FOURTH DADAAB REFUGEE CAMP

SUMMARY

1. During his recent visit, UNHCR Deputy High Commissioner (DHC) Craig Johnstone told the Ambassador that he had received a "commitment" from the Kenyan Prime Minister to a package approach to resolving Somali refugee issues - including the allocation of land for a fourth camp - to relieve severe overcrowding in the Dadaab refugee camps. The DHC said he also believes the Government of Kenya (GOK) will review its border closure policy and may agree to re-open the Liboi Reception Center. Johnstone said he welcomes demarches by the international community to keep pressure on the GOK to follow through on its commitment. The DHC said he anticipates donors attaching conditions to their contributions to UNHCR's \$92 million Dadaab Supplemental appeal to ensure that the GOK implements the package of activities as agreed. We are working closely with UNHCR to follow-up with the PM and other key officials. End Summary

Agreement on Package of Activities

2. In a meeting with the Ambassador on February 5, Craig Johnstone, the UNHCR Deputy High Commissioner, said in a "frank" and "forceful" conversation with Kenyan Prime Minister Raila Odinga, he had received the PM's "commitment" that the GOK agreed to the implementation of a "package" approach to reduce severe overcrowding in the three Dadaab refugee camps. The DHC said he clarified several times with the PM that the elements of the package included: 1) establishing a fourth refugee camp in Dadaab; 2) transferring at least a symbolic number of refugees from Dadaab to Kakuma; and, 3) addressing more effectively the needs of host communities around Dadaab. After some hesitation, and a surprisingly strong endorsement from Otieno Kajwang, Minister of State for Immigration and Registration of Persons, the PM affirmed to the DHC that he had his commitment to implement the package. The Ambassador cautioned that although the PM still had to negotiate the package within the Kenyan political environment, he was confident the PM would deliver on his commitment.

3. The DHC also received a commitment of support from George Saitoti - Minister of State for Provincial Administration and Internal Security. Describing his meeting with Saitoti as surprisingly open and substantive, the DHC said the Minister was fully briefed on the issues and clearly articulated both the pros and cons of the package as well as the GOK's security concerns with the Dadaab camps. Johnstone said Saitoti agreed that maintaining the status quo in Dadaab was

not acceptable, transferring refugees from Dadaab to Kakuma was not a viable solution and, therefore, the only alternative was the establishment of a fourth camp in Dadaab. The DHC reiterated the need to implement the package as a whole, which Saitoti said he understood.

14. The DHC told the Ambassador he only found one GOK member resistant to the implementation plan - Lagadera MP and Deputy Speaker of Parliament, Farah Maalim. The DHC said he found Maalim difficult. Maalim was not opposed to the three proposed activities, but he insisted they be implemented sequentially, beginning with development activities for the local community and ending with the establishment of the fourth camp. Johnstone said his meeting with Fafi MP Aden Sukow confirmed that a previous agreement to establish a fourth camp in Fafi District remained valid. Johnstone said he believes the lack of a structure for community leaders in Dadaab to negotiate with UNHCR has permitted Maalim to misrepresent and disrupt local receptivity to the fourth camp.

Border Closure Policy

15. The DHC said he separated the issues of obtaining agreement to the package from that of advocating for the re-opening of the Liboi Reception Center. Johnstone said he received consistent messages from both the PM and Saitoti that re-opening the Liboi Reception Center may be possible. The PM told the DHC that controlled entry of Somali asylum

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seekers across the border was preferable to random and haphazard crossings into Kenya. Saitoti agreed with the DHC that Kenya's security could be enhanced through an orderly process of health and security screenings of asylum seekers at Liboi. Saitoti said the reasons for Kenya initially closing Liboi and sealing the border had "evolved" and that it may be time for the GOK to review its border policy. Minister Saitoti added that Kenya's border policy was not intended to restrict the entry of asylum seekers, but rather to respond to the GOK's security concerns.

Dadaab a "Powder Keg"

16. The DHC visited both Dadaab and Kakuma refugee camps during his three day visit to Kenya. Citing an increase in security incidences, reports of al Shabab and militia recruitment in the camps, the potential for outbreaks of contagious diseases, and the risk of a fire catastrophe because of severe overcrowding, Johnstone described Dadaab as a "powder keg." Rejecting the expansion of any of the three existing camps as impractical, the DHC said he expects to construct the new camp housing up to 100,000 refugees on the 2,000 hectares already identified in Fafi district. Johnstone said UNHCR camp planners have been instructed to modify camp construction plans in order to begin accommodating residents within a few months of receiving the land from the GOK. The DHC admitted that the local communities' complaint of environmental degradation was justified and he highlighted his intention to minimize the environmental impact of the new camp by incorporating fuel efficient stoves and improved housing designs in camp planning. The DHC said Kakuma is unprepared to receive large numbers of refugees from Dadaab, but UNHCR will - in a show of good faith - begin moving some refugees to Kakuma, but will not relocate 50,000 refugees as had been proposed.

Next Steps

17. The DHC outlined next steps as:

a. Maintaining the pressure on the GOK to implement the package of activities: The Ambassador and the DHC agreed on the need to keep the pressure on the GOK to fulfill its commitment through a series of demarches. The Ambassador and relevant Mission Teams will follow-up with the PM and key officials as well as relevant members of Parliament.

b. UNHCR will raise funds for its Dadaab Supplemental Appeal: The DHC said upon his return to Geneva, he will begin pushing donors to contribute to UNHCR's \$92 million Dadaab Supplemental Appeal. The DHC said UNHCR may modify the existing appeal to include the transfer of refugees from Dadaab to Kakuma as well as increase the amount of development activities for local communities. Johnstone said he would welcome donors attaching strings to their contributions instructing UNHCR not to disburse funds until there is progress on the GOK's side in meeting its commitments - especially the allocation of land for the fourth camp. The DHC said he expects the US to be a generous contributor to the appeal.

c. Build community groups with whom UNHCR can negotiate in Dadaab: Johnstone said UNHCR does not have a consistent group of local leaders with whom it can communicate with in Dadaab. The DHC views establishing such a group of community leaders as essential for UNHCR in order to prioritize and implement the anticipated community development projects, resolve petty disputes between community members and UNHCR or NGOs, and to isolate MP Maalim's obstructive behavior.

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